

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

DARREL D. RALPH and SHARON V.	)	
RALPH,	)	
	)	CIVIL ACTION FILE NO.
Plaintiffs and	)	1:13-CV-4190
Counterclaim Defendants,	)	
v.	)	
	)	JURY TRIAL DEMANDED
BRIAN A. WHETSELL, BARBARA	)	
C. ANDREWS, STEVEN R.	)	
ANDREWS, S.R. ANDREWS, INC.,	)	
and ATLANTA VIRTUAL.COM, INC.,	)	
	)	
Defendants and	)	
Counterclaim Plaintiffs.	)	

**JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE  
OF DEFENDANTS STEVEN R. ANDREWS AND S.R. ANDREWS, INC.**

Plaintiffs and defendants, by counsel, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, hereby stipulate and agree as follows:

1. The parties mediated this dispute on August 22 and 23, 2014. At the conclusion of the mediation, the parties reached an agreement in principle that would resolve all outstanding claims and result in the dismissal of this action with prejudice.

2. The parties are in the process of finalizing documents to memorialize the agreement reached at mediation. The parties anticipate that the documents

should be finalized and executed within the next 7-10 days, at which time all claims and counterclaims will be settled and this action will be dismissed with prejudice.

3. Counsel for defendant Steven R. Andrews has advised counsel for plaintiffs that Mr. Andrews is attempting to purchase a home that is scheduled for closing on or about September 12, 2014. According to counsel for defendant Andrews, the pendency of claims against Mr. Andrews and S.R. Andrews, Inc. will cause the mortgage company to refuse to close the transaction.

4. As an accommodation to Mr. Andrews, plaintiffs are willing to dismiss without prejudice all claims against Mr. Andrews and S.R. Andrews, Inc. with the expectation that the parties will ultimately finalize and execute the documents to resolve all claims and counterclaims in this action. In the event the all claims and counterclaims are not resolved, plaintiffs expressly reserve the right to refile all claims against Mr. Andrews and S.R. Andrews, Inc.

Therefore, it is hereby stipulated and agreed that the claims against defendants Steven R. Andrews and S.R. Andrews, Inc. are hereby dismissed without prejudice.

This 10<sup>th</sup> day of September, 2014.

Respectfully submitted,

/s/ Thomas J. Gallo

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